

UNION TOWNSHIP – TOWNSHIP COMMITTEE  
**REGULAR MEETING**

**JUUNE 21, 2006**

**MINUTES**

Mayor Rossi opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

Flag Salute

Roll Call - Present: Patricia Dziubek, Frank Mazza, Rob Haynes, Matt Mulhall and Bruce Rossi. J. Peter Jost, Esq., Township Attorney; R. C. Bogart, P.E., Township Engineer and K. Judith Fabian, Township Clerk, were also present.

**APPROVAL OF MINUTES** – 1. Regular Meeting and Executive Session #1 of 6/7/06; motion was made by Mr. Mazza, seconded by Mrs. Dziubek, to approve both Minutes. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

2. Executive Session #2, 6/7/06; motion was made by Mr. Mazza, seconded by Mr. Haynes, to approve Executive Session #2 Minutes of 6/7/06. Vote – Ayes: Mrs. Dziubek, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Abstain: Mr. Mazza. Motion carried.

**REPORTS RECEIVED** – 1. Finance Officer; Claims Register 6/21/06  
2. Court Administrator 5/06  
3. Building Dept. Summary 5/06

**CORRESPONDENCE** – Mr. Rossi mentioned the following: - letter from Raymond Drake, Esq., representative of the E/O of Joyce Hoffman, regarding grass cutting around the buildings in Hoffman Park. Mr. Drake was reluctant to have the grass cut. Options discussed. After a brief discussion, it was agreed the Township would continue mowing as best they can.

Mrs. Dziubek mentioned the following: - Hunterdon County Planning Board letter regarding the approved municipal Stormwater Management Plan/Ordinance. Mr. Bogart provided information on the adoption process; - questioned the refund notice from PIAC; - Dept. of Conservation correspondence should be forwarded to UTEC.

Mr. Mazza mentioned the following: - letter from “Braking the Cycle” (bicycle ride on certain Township roads) on September 16<sup>th</sup>. Mr. Rossi noted there is no Insurance Certificate nor notification to the NJSP. Mrs. Fabian will contact the event coordinator.

Mr. Mulhall mentioned the following: - letter from M/M Gambony with a request to vacate right-of-way on Block 19, Lot 5.01. Mr. Bogart mentioned the Planning Board would need to make a recommendation and it would have to be taken out of the Master Plan. Mr. Mulhall will bring this to the attention of the Planning Board.

Mr. Mazza mentioned the letter from NJ DEP regarding New Jersey Water Supply, Block 19, Lots 2 and 12, Hoffman Park. Mr. Mulhall mentioned this is a long term project to restore the stream to a more natural condition.

**OLD BUSINESS** – 1. Ord. #2006-12; Personnel Policies and Procedures 2<sup>nd</sup> Reading; Public Hearing; - Mr. Rossi read the ordinance, by title and introduced same for 2<sup>nd</sup> reading:

**ORDINANCE #2006-12**

**AN ORDINANCE ESTABLISHING PROCEDURES TO ADOPT PERSONNEL PRACTICES AND AUTHORIZING THE MUNICIPAL CLERK TO IMPLEMENT SAID PRACTICES WITH ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS AND INDEPENDENT CONTRACTORS OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NJ**

Mr. Jost explained the adoption of this ordinance was suggested by the Township’s insurance representatives.

Motion was made by Mr. Mazza, seconded by Mr. Haynes to open the public hearing. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Questions/comments – None.

There being no questions/comments, motion was made by Mr. Mulhall, seconded by Mrs. Dziubek, to close the public hearing. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Motion was made by Mr. Haynes, seconded by Mr. Mazza, to adopt the above Ord. #2006-12 on 2<sup>nd</sup> reading. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

2. Pattensburg Realty LLC; 2006 Trailer Park License Renewal Application.

Mr. Haynes, adjoining property owner, and Mr. Jost, represents the E/O the adjoining property owner, recused themselves and left the meeting room.

Steven Heyman, President/Owner, present. Davis Mills, Zoning Officer, present on behalf of the Township. Mr. Mills mentioned he submitted a Report dated June 15<sup>th</sup>; there is an electric pole (providing service to each of 14 trailers) that is not stable; it is leaning against a tree; the area in the left rear of the property was not returned to the lawn area; someone is living in a shed; all unregistered vehicles are being removed; parking is in order; however, the striping has faded.

Mr. Heyman stated the striping will be restored; no one is living in the shed.

Mr. Bogart mentioned there are a number of conditions to the site plan approval which applies to the entire property.

Reference to noise complaints were briefly discussed.

Mr. Heyman stated he had contacted the electric company and will follow up to have the pole stabilized.

Mr. Mulhall was not in favor of acting on this Application until the issues are remedied.

Mr. Heyman clarified he is the owner of the trailer park.

Mr. Mills mentioned he imposed a deadline for unregistered vehicles of July 10, 2006.

Mr. Heyman will contact the Zoning Officer when all issues have been resolved; the License Application will be reconsidered at a later meeting.

Mr. Haynes and Mr. Jost rejoined the meeting.

3. Ord. #2006-\_\_\_\_; Soil Erosion; Mr. Rossi read the ordinance by title as follows:

**ORDINANCE #2006-\_\_\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY SUPPLEMENTING AND AMENDING SECTION 30-25, SOIL EROSION, OF THE LAND USE CODE OF THE TOWNSHIP OF UNION; Amendment #\_\_\_\_.**

Mrs. Dziubek expressed the opinion the fees can be onerous. Mr. Bogart responded the focus is on developers; exemptions can be changed. Mrs. Dziubek was in favor of studying the ordinance prior to introduction. Exemptions were briefly discussed.

Mr. Haynes suggested focusing on the adjoining lot owner that this ordinance would protect; there cannot be too many exemptions. Mr. Rossi stressed the monies paid is an “escrow” fee; anything not used is paid back. Mr. Mulhall was in favor of tabling the ordinance to the next meeting.

4. Township-owned Building leased to the Historical Society; - Present: Historical Society President, Pat Lingelbach and members of the Society: Bill Bischoff and Marie and Bob Everett.

Mr. Jost acknowledged, in his Memorandum dated June 15<sup>th</sup>, the following are the Township’s responsibility: Water testing/rodent treatment/roof repair/ceiling repair/window replacement/exterior painting. Mr. Rossi and Mr. Mulhall were of the opinion all of the items mentioned are the Township’s responsibility. Mr. Rossi suggested Mrs. Lingelbach obtain estimates for windows, ceiling, water testing and painting.

Mr. Mazza mentioned Viking Termite and Pest Control did an inspection; cost estimate \$3,295.00. Mr. Rossi suggested doing certain improvements prior to the pest control and getting a priority list from the exterminator. Motion was made by Mr. Mulhall, seconded by Mrs. Dziubek, to authorize Mr. Mazza to spend up to a maximum of \$2,500.00 to address as many of the pest control issues he can at the Historical

Society building in the conjunction with the construction. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Mulhall and Mr. Rossi. Naye: Mr. Haynes. Motion carried.

**NEW BUSINESS:** 1. 2006-'07 Plenary Retail Consumption License w/Conditions; Pattenburg Entertainment t/a Pattenburg House.

Mr. Haynes and Mr. Jost recused themselves and left the meeting room.

Steven Heyman, applicant, present.

Mr. Rossi read each of the 8 conditions in the resolution. Mr. Heyman said he understood all of the conditions and would comply. Mr. Mills mentioned the conditions have been met.

The following resolution was introduced for adoption:

**RESOLUTION #2006-80**  
**2006-2007 PLENARY RETAIL CONSUMPTION LICENSE; with Conditions**  
**PATTENBERG ENTERTAINMENT t/a Pattenburg House**

BE IT RESOLVED, by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the following Plenary Retail Consumption License be issued in the Township of Union effective July 1, 2006; and

BE IT FURTHER RESOLVED that the Municipal Clerk, or her duly authorized agent, is hereby authorized to execute, issue and deliver such license to the following licensee with the Special Conditions noted below:

NAME & TRADE NAME: Pattenberg Entertainment  
t/a Pattenburg House

LOCATION & ADDRESS: 512 Pattenburg Rd.  
Asbury, NJ 08802

LICENSE NUMBER: 1025-33-004-007

- Special Conditions:
1. All doors and windows, in the building, must be closed while music, live or recorded, is being played.
  2. Live music shall not be played within the confines of the building at any other time than Friday, Saturday or Sunday.
  3. The petitioner shall provide a security person on all dates and at all times that live music is being played at the licensed premises.
  4. The patio and deck adjacent to the Pattenburg House may be utilized for lunches and dinners with the deck and patio to be closed and all patrons removed therefrom by 10:00 p.m. every evening. All food orders and service shall terminate by 9:00 p.m. each evening.
  5. The Pattenburg House is limited to 92 seats (persons to be served) and such patron count shall not be increased in the utilization of the patio and deck and the total seating capacity for service of patrons shall be 92 seats, including the patio, deck and restaurant/bar areas of the Pattenburg House.
  6. The only egress onto the patio and deck area after 10:00 p.m. shall be for “emergency exit” purposes only, and the outside gate to the deck shall be locked after 10:00 p.m. so that no entrance can be gained to the patio and deck area.
  7. The door to the deck and patio area from inside the Pattenburg House shall be clearly marked as an emergency door.
  8. The front door of the Pattenburg House shall not be propped or maintained in an open condition at any time that entertainment is performing.
  9. The parking lot will be striped.\*

BE IT RESOLVED, that a copy of this resolution, certified to be a true copy by the Municipal Clerk, be forwarded to the Division of Alcoholic Beverage Control.

After a brief discussion, motion was made by Mr. Mazza, seconded by Mrs. Dziubek, to adopt the above resolution with a \*9<sup>th</sup> condition that the parking lot will be striped. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Mulhall and Mr. Rossi. Motion carried. Mrs. Fabian will hold the License until the Zoning Officer has re-inspected the property and confirmed the striping has been done.

Mr. Haynes and Mr. Jost rejoined the meeting.

2. North Hunterdon Rotary Club 2006 Skylands Triathlon; 9/17/06; motion; - motion was made by Mr. Haynes, seconded by Mr. Mulhall, that the Township Committee has no objection to this event being held in Union Township and to permit the temporary closing of necessary road(s) subject to a minimum period of time (such as 15 minutes) as recommended by the NJSP. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

3. Raffle License #2006-12; Cystic Fibrosis Foundation; 9/29/06; On-premise Merchandise; Mrs. Fabian mentioned the application is complete and fees paid. Motion was made by Mrs. Dziubek, seconded by Mr. Mulhall to approve Raffle License #2006-12. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

4. The following resolution was introduced for adoption:

**RESOLUTION #2006-81  
RELEASE OF DRIVEWAY BOND  
SEGAL & MOREL DEVELOPERS/CRESTVIEW SUBDIVISION  
BLOCK 25.02, LOT 1**

WHEREAS, Segal & Morel posted a \$2,000.00 driveway bond for 24 Hill & Dale Drive; and

WHEREAS, the Township Engineer has inspected the above-referenced lot and finds the driveway to be acceptable; and

WHEREAS, the Township Engineer has no objection to the release of said bond;

THEREFORE BE IT RESOLVED by the Union Township Committee to authorize the Chief Financial Officer to release of the \$2,000.00 driveway bond to Segal & Morel.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

5. The following resolution was introduced for adoption:

**RESOLUTION #2006-82  
2006-2007 PLENARY RETAIL CONSUMPTION LICENSE(S) – RENEWAL**

BE IT RESOLVED, by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that the following Plenary Retail Consumption License(s) be issued in the Township of Union, effective 9:00 a.m., on July 1, 2006; and

BE IT FURTHER RESOLVED, that the Municipal Clerk or her duly authorized agent is hereby authorized to execute, issue and deliver such license(s) to the following licensee(s):

NAME & TRADE NAME	LOCATION	LICENSE #
GATANIS & FOKAS FOODS, INC. t/a Mountain View Chalet	154 State Hwy. 173	1025-33-005-004

BE IT FURTHER RESOLVED, that a copy of this resolution, certified to be a true copy by the Municipal Clerk, be forwarded to the Division of Alcoholic Beverage Control.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

6. Request from resident to use the Historical Society parking lot on June 24<sup>th</sup> from 1:00 p.m. to 7:00 p.m. to park cars for a family event; no objection.

**ENGINEER'S REPORT** – Mr. Bogart had a matter for an Executive Session; - the re-construction of Perryville Rd. will be coordinated with the School in the next few weeks.

The following resolution was introduced for adoption:

**RESOLUTION #2006-83  
VAN SYCKLES CORNER ROAD III/PORTION THEREOF  
Submission of State Aid Application**

WHEREAS, the Township of Union, Hunterdon County, has been notified there are available funds under the Municipal Aid Transportation Act; and

WHEREAS, Van Syckle's Road from the intersection with Serpentine Drive to approximately 2,980 L.F. east along Van Syckle's Road to the existing bridge approximately 400 L.F. from Route 31 in the Township of Union, County of Hunterdon, State of New Jersey, for a distance of 0.56 miles is in need of repair;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Union hereby make application to the Commissioner of Transportation for aid under the Municipal Aid Program or the Federal Aid Urban System Substitution Program portion of the New Jersey Transportation Trust Fund Authority Act for the improvement of that section of road known as Van Syckle's Road III;

BE IT FURTHER RESOLVED that the Union Township Mayor and the Township Clerk are hereby authorized to execute and attest to this application and agreement.

Motion was made by Mr. Haynes, seconded by Mr. Mulhall, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

**ATTORNEY’S REPORT** – Mr. Jost distributed a red lined version of the Personnel Policies and Procedures Manual integrating the current Manual with the revised Manual; - Lookout Pointe’s water supply has been approved by DEP through the Town of Clinton. Mr. Jost will send a Memo to the Township Committee to clarify. He had a matter for an Executive Session.

**MAYOR’S REPORT** – Mr. Rossi mentioned First Energy will be doing an inspection fly over.

**COMMITTEE REPORT** – Mrs. Dziubek mentioned the website will have a section for ordinances; starting with the stormwater ordinance going forward.

Mr. Haynes mentioned he contacted Mr. Cutter, Town of Clinton, regarding the speed tables for Rupell Rd., there is nothing in the plans to prevent drivers from driving around the platforms; however, Union Township can do something should we so choose; total cost is in the letter; Clinton Fire Company and Pattenburg Volunteer Fire Company are not in favor of the speed platforms because of response time and damage to equipment and patient welfare; the indication is Clinton Rescue is not in favor of the platforms. – Finn Rd. Park play area will need to be closed from July 5<sup>th</sup> through the 7<sup>th</sup> to have the rubber nuggets installed.

Mr. Mulhall explained the concept plans for the subdivision of Milligan Farm; 85+ open acres/2-3 acres to go with the house: the next step would be to authorize Ferriero Engineering to do the full engineering plans to go before the Planning Board. New Jersey Water Supply is waiting on the Township so that they can apply for their grant.

Members of the public had questions/comments: Perry Wolk-Weiss/Scott Eichlin/Cindy Wolk-Weiss/Paul Dando representing the Jehovah’s Witnesses.

Motion was made by Mr. Mazza, seconded by Mrs. Dziubek, to re-authorize the Mayor and Clerk to execute a Contract of Sale with New Jersey Water Supply based on the configuration presented this evening. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Mr. Mazza mentioned the following: Viking Termite & Pest Control has submitted a quote for Apt. 26A at Hoffman Park. After a brief discussion, motion was made by Mrs. Dziubek, seconded by Mr. Mulhall, to accept the quote of \$485.00 for pest control at apt. 26A and authorized Mr. Mazza to proceed with the scheduling. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried; - a resident reported a radio-controlled model airplane was being flown at Finn Rd. Park and crashed into her yard scaring her horses and dogs. It was agreed this is a permitted activity at the Park if used in designated areas (not so designated at this time). – mentioned the telephone pole in the middle of the road at Lookout Pointe; - asphalt prices was briefly discussed.

**COMMENTS FROM THE PUBLIC** – None.

**CLERK’S REPORT** – July meeting dates: after a brief discussion, it was agreed to cancel the July 19<sup>th</sup> meeting.

**PAYMENT OF THE BILLS** – Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof; seconded by Mr. Mazza. Vote – Ayes: Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

The following resolution was introduced for adoption:

#### **RESOLUTION EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Potential Litigation/Litigation.

Motion was made by Mrs. Dziubek, seconded by Mr. Haynes, to adopt the above resolution. Vote – Mrs. Dziubek, Mr. Mazza, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Motion was made by Mr. Mulhall, seconded by Mr. Haynes, to return to the regular meeting. Vote – Mr. Mazza, Mr. Mulhall, Mr. Haynes, and Mr. Rossi. Motion carried.

NOTE: Mr. Mazza left the Executive Session at approximately 10:59 p.m. not to return.

The following resolution was introduced for adoption:

**RESOLUTION #2006-84**

**PERRYVILLE ESTATES LLC**

BE IT RESOLVED by the Township Committee of the Township of Union that the Union Township Engineer is authorized to write a letter to the Township Construction Official requesting that he lift the Stop Work Orders when the pavement on Main Street (Jutland) is complete; less the intersection with County Road 625 and also a letter is received from Mannon Paving and Excavating certifying they will pave the intersection when they pave County Road 625.

Motion was made by Mr. Haynes, seconded by Mrs. Dziubek, to adopt the above resolution. Vote – Ayes: Mrs. Dziubek, Mr. Haynes and Mr. Mulhall. Naye: Mr. Rossi. Motion carried.

**ADJOURNMENT** – There being no further business to come before the Township Committee at this time, a motion was made by Mr. Mulhall, seconded by Mr. Haynes, to adjourn. Vote – Ayes: Mrs. Dziubek, Mr. Haynes, Mr. Mulhall and Mr. Rossi. Motion carried.

Meeting adjourned at approximately 11:36 p.m.

Respectfully submitted,

K. Judith Fabian, RMC  
Township Clerk